

BD
sessions can be very costly for the calling or called party because multi-media calls consume a large amount of bandwidth, which is very expensive. Moreover, this conventional approach to call forwarding is ripe for abuse in that a malicious party may intentionally forward calls to a destination for which approval has not been obtained.

REMARKS

By this amendment, claims 1-21 are pending in the present application. Thus, there are twenty one claims of which three claims are independent.

In the present Office Action, claims 1-5, 10, 18, 20 and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated by *La Porta et al.* (US 6,041,103); (ii) claims 1-6, 10 and 18-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lung et al.* (US 6,292,549) in view of *La Porta et al.*; claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lung et al.* and *La Porta et al.* in view of *Yamadera et al.* (US 5,444,477); and claims 11-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yamadera et al.*

The rejection of claims 1-21 is respectfully traversed because *La Porta et al.*, *Lung et al.*, and *Yamadera et al.*, taken alone or in combination, fail to teach or suggest the limitations of the claims. For example, independent claim 1, recites “contacting the second destination **to obtain an approval for forwarding calls** to the second destination;” independent claim 11 recites “sending a communication to the second computer system **to obtain approval of the request;**” and independent claim 18 recites “approval logic coupled to the switch for contacting the second destination **to obtain approval for directing of the calls before call forwarding is activated**” (emphasis added).

By contrast, conventional call forwarding systems assume that a call forwarding party has gained permission to forward telephone calls or calls for multi-media sessions to a new

destination, leading to abusive or malicious call forwarding and increased costs due to bandwidth consumed by such unapproved call forwarding (specification, p. 2:15-21). Advantageously, such problems are addressed by “contacting the second destination to obtain an approval for forwarding calls to the second destination,” as recited in independent claim 1, “sending a communication to the second computer system to obtain approval of the request,” as recited in independent claim 11, and “approval logic coupled to the switch for contacting the second destination to obtain approval for directing of the calls before call forwarding is activated,” as recited in independent claim 18.

On the other hand, *La Porta et al.*, *Lung et al.*, and *Yamadera et al.*, taken alone or in combination, not only fail recognize or address the problems noted with conventional call forwarding systems, they also fail to teach or suggest the noted limitations. For example, *La Porta et al.* is directed to a method and apparatus for interactive call identification of a call to a called party 200, wherein identifying messages, either text and voice, can be entered on a call-by-call basis by the calling party 100 to provide information regarding the call to enable the called party 200 to screen the incoming call. Abstract and Fig. 1.

However, *La Porta et al.* fails to teach or suggest **any** approval process, much less “contacting the second destination to obtain an approval for forwarding calls to the second destination,” as recited in independent claim 1, and “approval logic coupled to the switch for contacting the second destination to obtain approval for directing of the calls before call forwarding is activated,” as recited in independent claim 18. Moreover, the only forwarding done in *La Porta et al.* is with respect to **forwarding of the call received** from the calling party 200 to another destination (Fig. 4, step 445, 460), but this, however, fails to teach or suggest the contacting step and the approval logic.

The portions of *La Porta et al.* cited in the present Office Action do not support the rejection. For example, Figs. 3-4 and col. 5:1-32 of *La Porta et al.*, disclose that a called party 200 subscribes to the message transfer service, wherein when a call is placed to the called party 200, the call is routed to a special server 120, which prompts the calling party 100 for their message, and delivers the voice or text message to the called party 200, who can accept, reject or forward the call from the calling party 100.

However, the portions of *La Porta et al.* cited in the present Office Action fail to teach or suggest **any** approval process, much less “contacting the second destination to obtain an approval for forwarding calls to the second destination,” as recited in independent claim 1, and “approval logic coupled to the switch for contacting the second destination to obtain approval for directing of the calls before call forwarding is activated,” as recited in independent claim 18.

Lung et al., although directed to re-generation and forwarding of caller identification signals (col. 2:51-55), also fails to teach or suggest the noted limitations recited in independent claims 1 and 18. The present Office Action, although admitting, at page 4, paragraph 2, that “Lung et al do not explicitly teach the method of contacting the second destination,” nonetheless, argues that “sending the caller ID information from the first destination to the second destination ... enable the user associated with the second destination to decide whether or not to accept the call.” However, such a general disclosure in *Lung et al.* of forwarding of caller identification signals fails to teach or suggest the contacting step and the approval logic.

The present Office Action, then, attempts to cure such deficiencies in *Lung et al.*, by relying on *La Porta et al.* for the supposed disclosure of the contacting step and the approval logic. However, as argued above, *La Porta et al.* is deficient in this respect.

Yamadera et al., is directed to video telephone system that includes a master video telephone terminal (secretary terminal) 101 connected to a communication network 20 and slave

video telephone terminals (executive terminals) 102-105 connected to the master video telephone terminal 101. The master video telephone terminal 101 can transfer a call from remote terminals 601-604 to the slave video telephone terminals 102-105. Abstract and Fig. 3.

The present Office Action, at page 7, paragraph 4, although admitting that “Yamadera et al do not explicitly teach the method of sending a communication to the second computer system to obtain approval of the request,” nonetheless, argues that “Lung et al [sic] suggest the method of sending a communication to the second computer system user that he or she is being called from a calling party over the video telephone line (col. 5, ln. 36-61).” However, *Lung et al.* is not applied in the noted rejection and col. 5:36-61 of *Lung et al.* is not relevant with respect to “sending a communication to the second computer system **to obtain approval of the request,**” as recite in independent claim 11.

Assuming that the Examiner is referring to col. 5:36-61 of *Yamadera et al.*, nonetheless, such a general disclosure of sending a communication to a user of a second computer system user that he or she is being called from a calling party over a video telephone line, fails to teach or suggest the sending step.

The present Office Action, then, attempts to cure such deficiencies in *Yamadera et al.* by apparently arguing that in view of col. 5:36-61 of *Yamadera et al.*, it would have been obvious to modify *Yamadera et al.* to include the noted limitation in order “to provide the called party more control in handling calls.” However, such assertion is not only conclusory and clearly based on impermissible hindsight, such assertion fails to provide any evidence of motivation to modify *Yamadera et al.* This is because there are numerous ways “to provide the called party more control in handling calls,” such as by using call screening, caller ID, etc. The present Office Action, however, has failed to provide any evidence of motivation for modifying *Yamadera et al.*

to include the sending step out of the numerous ways “to provide the called party more control in handling calls,” such as by using call screening, caller ID, etc.

Similarly, not even considering the deficiencies previously noted with respect to *Lung et al.* and *La Porta et al.*, the same motivation to modify *Yamadera et al.*, as noted above, is argued in the present Office Action, at page 7, paragraph 4, to justify the modification of *Lung et al.* in view of *La Porta et al.* and again also is lacking. Specifically, the present Office Action argues that “it would have been obvious to ... add the method of contacting the second destination to obtain approval for forwarding calls to the second destination ... to provide the called party more control in handling calls.” However, such assertion, once again, fails to provide any evidence of motivation for modifying *Lung et al.* to include the contacting step out of the numerous ways “to provide the called party more control in handling calls,” such as by using call screening, caller ID, etc.

It is noted that obviousness rejections require some evidence in the prior art of a teaching, motivation, or suggestion to combine and modify the prior art references (*See, e.g., McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001); *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999)) and that the Patent Office must give specific reasons why one of ordinary skill in the art would have been motivated to combine the references (*See, e.g., In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998)).

The present Office Action, however, has failed to provide any evidence in the prior art of a teaching, motivation, or suggestion to combine the applied references and has failed to provide


sufficient evidence of why one of ordinary skill in the art would have been motivated to combine the applied references.

In addition, the specification was amended to correct a discovered informality. No new matter is introduced.

Therefore, the above amendment overcomes the rejections of record, placing the present application in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-425-8501 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.


Reg. No. 44,658

3/12/02
Date

Carlos R. Villamar
Attorney/Agent for Applicant(s)
Reg. No. 43,224

10507 Braddock Road
Suite A
Fairfax, VA 22032
Tel. (703) 425-8501
Fax. (703) 425-8518